

Good Neighbors, Healthy Communities



A community guide to fair housing for people
with disabilities in your neighborhood

Tennessee Fair Housing Council

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and Developmental Disabilities

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INTRODUCTION



It is clear to many in Tennessee that *home* cannot truly exist for people with mental illness and other disabilities without an increase in affordable, adequate housing. Group homes and other independent living facilities provide opportunities for those with disabilities to have a safe, decent, permanent and supported place to call home.

Although a group home facility often benefits the entire neighborhood – by upgrading and maintaining the home and bringing new and useful services into the area – its presence can sometimes cause concern for existing neighbors. Because of this, the Tennessee Fair Housing Council has created this guide to provide you with accurate and up-to-date information on the issues surrounding community-based group homes for persons with disabilities.

In this guide you will find information on common misconceptions about group homes and similar facilities in community settings, state and federal law regarding housing discrimination, and where to find more information.

We hope this guide will answer many of the questions that you and your neighbors may have about community-based group homes.

Did you know...



Group homes are usually very well maintained and often upgraded, so that they fit in and help to beautify the neighborhood.

I. COMMON MISCONCEPTIONS

Group Home Members As Neighbors

Although initial opposition to group homes in neighborhoods is not uncommon, experience has shown that once neighbors come to know the people living in their community, fear and distrust often disappear.

This was certainly true in Illinois, where neighborhood residents were very much opposed to the opening of a home for autistic adults. Within a year, however, “those neighbors who were initially upset with the group home opening were reportedly pretty friendly.”¹¹

Even those neighbors most concerned about a group home often change their minds. A neighborhood located near Chicago experienced this turnaround. There was initially strong and very vocal opposition to the home but “since the early weeks following the opening, neighbors have become friendly, to the extent of inviting group home residents to visit.”¹²

Once there is greater understanding of group home residents as people, there is greater acceptance of them as neighbors.

Property Values

Probably the most commonly stated concern of residents living near proposed group homes is that their home’s property value will decline. It is understandable that members of a community would be concerned about this issue, however the majority of the research done both in the United States and Canada does not support the idea that group homes bring down property values.

Research

- In 1995, the Government of British Columbia, Canada undertook a study to see, among other things, whether property values declined when a group home was opened in a neighborhood. After using real estate appraisers to examine seven different neighborhoods, the study concluded that “in all seven cases, the appraisers found no evidence that the presence of a group home negatively affected the sale prices of homes in the impact

area... House prices in the vicinity of the non-market project (group home) increased as much – and in some cases more than – nearby areas of similar housing types and ages.”¹³

- An Illinois study done in 1986 looked at 2,261 houses in 14 neighborhoods for a year before and a year after the introduction of a group home into their communities. These were compared to 14 similar neighborhoods **without group homes**. Research found that in the neighborhoods without the group homes, property values rose 71%. But in neighborhoods with the group homes, property values rose 79%.⁴
- In 1988 researchers examined two neighborhoods where group homes for people with mental illness were about to be opened – one in a city and one in the suburbs. For the study, researchers compared these neighborhoods with two that were similar, but which did not have group homes. To measure property values, researchers examined:
 1. **The number of homes put on the market**
 2. **The average selling price of those homes**
 3. **The number of days it took to sell the homes**
 4. **The price the homes were listed for vs. what they sold for**

The study concluded that there was no difference between the neighborhoods with and neighborhoods without group homes, in the number of homes on the market, the selling price of those homes, and the number of days a house was on market.

It was also found that the final selling price was actually closer to the original list price in those neighborhoods with group homes than for with those without.⁵

Additionally, it has been shown that group homes are usually very well maintained and often upgraded, so that they fit in and help to beautify the neighborhood.

The most reliable and consistent predictor of property values remains the neighborhood itself – its schools, its economy, its crime rate, its infrastructure.

Crime Rates

A second commonly stated and understandable concern is that group homes increase crime in nearby areas. Again however, extensive research done on this subject does not support the idea that group homes adversely affect a neighborhood's crime rate. As one study explains, while the crime rate for the general public was 112 crimes committed for every 1000 people, the crime rate for disabled people living in group homes averaged **3 for every 1000 people**.

Research

In 1988, researchers examined 363 group homes in the United States and found that the crime rate **did not** increase with the introduction into the neighborhood of a home for people with mental illness.⁶

- The American Journal of Psychiatry reported a 1985 study that looked at 1,000 police-citizen encounters and found that people with mental illness were no more likely to be involved in crime than were people without mental illness.⁷
- A study prepared for the Governor of Illinois' Planning Council on Developmental Disabilities found that in general the crime rate for people living in group homes is lower, and in some studies substantially lower, than for that of the general public.⁸

A Home - Not A Business

There is sometimes confusion about whether a group home is actually a business being run in a single-family neighborhood.

A group home is a dwelling, a residence that is the home of one or more people. Whether owned by a company or a non-profit organization, the property is to be someone's home, not a building where business is transacted.

Mental Illness

Another often stated concern among citizens is that group homes introduce people with mental illness into their neighborhoods. Group homes do not introduce people with mental illness into communities – they are already here.

Research

- According to the World Health Organization, one in four families is likely to have at least one member with a behavioral or mental disorder.
- The WHO explains that “mental and behavioral disorders are common, affecting more than 25% of all people at some time during their lives. They are also universal, affecting people from all countries and societies, all ages, women and men, the rich and the poor, from urban and rural environments.”⁹

II. THE LAW

The Fair Housing Act

In 1968, the United States congress enacted the **Fair Housing Act**, providing protection from discrimination in housing for certain classes of people. In 1988 the Act was expanded to include people with disabilities. Today in the United States, it is illegal to lie about the availability of housing, to refuse to rent or sell to or negotiate with, or otherwise bar a person from housing because of their:

- race,
- color,
- religion,
- national origin,
- sex,
- familial status (whether someone has or will have children) or
- **handicap**

What the law means by handicap

The Fair Housing Act defines “handicap” as:

- A physical or mental impairment which substantially limits one or more of a person’s major life activities;
- A record of having such an impairment;
- Being regarded as having such an impairment.

Reasonable Accommodation & Modification

The Fair Housing Act does not allow people to be refused housing because of a disability. In order to enable people with disabilities to obtain suitable housing, the law can require housing providers and local governments to remove unnecessary barriers that might prohibit a person with a disability from obtaining housing. This is referred to as making a **reasonable accommodation**, or a **reasonable modification**.

Reasonable accommodation refers to making a change in rules or procedures so that a person with a handicap has the full use and enjoyment of the premises.

Reasonable modification refers to making a physical change to the dwelling so that a person with a handicap has the full use and enjoyment of the premises.

- Reasonable Accommodation may mean that an apartment complex with a No Pet policy allows a blind resident to keep a guide dog.
- Reasonable Modification may mean that a complex allows for the installation of a wheel chair ramp to enable a tenant to have unimpeded access to his or her unit.

So when we think about housing for people with disabilities in neighborhoods, some accommodation and modification issues can arise. For example, the law might require neighborhood associations or governments to make reasonable accommodations to allow a group of unrelated people with disabilities to live together in a single-family neighborhood, or it might require officials to allow such a home to have a ramp or other feature to allow its residents full access to the home.

Zoning Regulations

Confusion sometimes arises about zoning regulations and group homes. Small group homes are legally permitted to be located within neighborhoods zoned for single-family housing. Although members of the group home may be unrelated to one another, they are not in violation of zoning regulations.

There is a provision within the Tennessee State Zoning Law that includes in its definition of a Single Family Residence:

any home in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three (3) additional persons acting as house parents or guardians, who need not be related to each other or any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home.¹⁰

This provision overrides local zoning regulations.

Federally, providing protection for people with disabilities under the Fair Housing Act is, among other things, “intended to prohibit special restrictive covenants, or other terms or conditions...because of an individual’s handicap... that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community.”¹¹

- This means that restrictive covenants (such as the rules of some Home Owners Associations) would be in violation of the law if they prohibit or restrict housing in their communities for people

with disabilities.

- This means that a zoning law that prohibits or restricts housing for people with disabilities would be in violation of Federal and State law.

Did you know...



Congress passed the Fair Housing Act in 1968 and amended it in 1988 to protect people with disabilities.

III. YOUR RIGHTS AS A HOMEOWNER AND NEIGHBOR

Many homeowners who are concerned about group homes in their neighborhoods fear that they have no rights. This is not the case.

Zoning issues

Not all living arrangements are automatically allowed in single-family neighborhoods. As discussed previously, groups that are not covered by the statewide zoning law will need a **variance** or some other waiver of zoning law in order to locate in a residential area.

The city can turn down such a request if the variance is not necessary for the operation of the home or if would be an “undue burden” or “fundamental alteration” of the neighborhood. Most group homes will not create traffic or sewage problems, but neighbors can raise these issues if they exist, and city officials can take them into account.

Free Speech

You have a First Amendment right to speak out against homes to which you object. This right includes telling local officials that you object to certain homes or telling members of Congress if you believe the laws should be changed.

The First Amendment also protects your right to go to court to stop a home you believe does not have a right to locate in your neighborhood. However, such a lawsuit must not be frivolous or filed for an illegal motive. Otherwise, the lawsuit itself could be a violation of the Fair Housing Act.

You also do not have a right to harass the residents of a home or to trespass or otherwise physically damage or interfere with a home.

Dealing with problems in homes

People with disabilities do not have the right to disregard the law. This includes laws against trespassing or disturbing the peace or ordinances regarding safety and health issues.

If a resident at a home is creating a disturbance, or if a home is allowed to deteriorate so that it is unsafe or is an eyesore for the rest of the neighborhood, neighboring homeowners have every right to call the police, codes officials or other appropriate authorities to stop the particular **behavior** that is illegal.

Homeowners should always direct their complaints to the people who can address them most efficiently. For example, even though you have a First Amendment right to tell your Congressional representative about the tall grass at the group home next door, it is far more useful to call local codes officials.

IV. CONCLUSION

The Fair Housing Act supports the rights of people with disabilities to obtain safe, adequate, affordable and permanent housing. However, the lack of safe, decent housing for people with disabilities remains a significant problem in Tennessee.

Group homes have been successful in addressing this problem by providing people with disabilities a safe and permanent place that they can call home. However, this sometimes raises concerns among existing neighborhood residents.

And as the experiences of many neighborhoods have shown, while community residents may initially have strong negative feelings about their new neighbors, once they come to know them as people, those feelings often change in positive ways.

Across the country, the experience of communities with group homes has shown that the concerns raised by many neighborhood residents don't come to pass. As the members of a Long Island neighborhood that strongly opposed a group home found, after two years the "overwhelming majority agreed that the residents are good neighbors; they have had no problems; and the residents had no adverse effects on property values."¹²

Finally, in speaking of the research done for the Governor of Illinois, Professor Michael Dear concludes "group homes don't have a negative impact on property values; they don't weaken the stability of the neighborhood; and their residents do not pose a threat to the neighbors or surrounding community."¹³

Group homes provide a safe, structured, permanent place in which people with disabilities can live. And when a society is able to provide for the basic needs of its people, that ultimately benefits everyone.

Did you know...



Many people with disabilities in your neighborhood hold jobs and earn a living.

V. FREQUENTLY ASKED QUESTIONS

Q. I'm worried about my property values dropping. What does the research say about it?

Two decades of research has shown that a group home in the neighborhood does not lower property values.

Q. Does the crime rate go up when a group home opens in the neighborhood?

The ongoing research shows that the crime rate does not go up in neighborhoods where a group home has been opened. In fact, there is growing evidence that the crime rate for members of a group home is lower than that of the general public.

Q. Don't I, as a neighborhood resident, have the right to be informed about a group home opening in my area?

Housing providers are not obligated to tell members of the community that people with disabilities are, or will be, living in their neighborhood, any more than they would inform the neighborhood of a resident's race or religion, for example.

Q. Do people with disabilities have a right to live in my neighborhood?

People with disabilities have a right, protected under federal law, to live where they choose. And as we have seen, group homes don't bring people with mental illness into a neighborhood. People with mental illness live in every neighborhood, in every town and city, through the United States and beyond.

Q. Isn't a group home really a business?

A group home is someone's residence. Although the home may be owned by someone else, such as a business or non-profit organization, its purpose is still that of a dwelling.

Q. Can a group of people who are not really a family be permitted to live together in a residential neighborhood?

This is permissible because of the provision within Tennessee State Zoning Law that includes in its definition of Single Family Residence any

homes with eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three (3) additional persons acting as house parents or guardians.

VI. ANNOTATIONS

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